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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/814,483	03/31/2004	Gerald L. Dybsetter	15436.366.1	7758		
22913	7590	07/25/2008	EXAMINER			
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111		PATEL, NIMESH G				
ART UNIT		PAPER NUMBER				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/814,483	DYBSETTER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	NIMESH G. PATEL	2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 April 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 August 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 40 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 40 recites “interspersing a bit at a guaranteed minimum frequency.” There is no support for guaranteeing at a minimum frequency.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8-10, 12, 13, 23-26 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Creedon et al.(US 6,385,669).
5. Regarding claim 1, Creedon discloses a system that includes a master component(Figure 1, 10) that is configured to communicate with one or more slave components(Figure 1, 11) over a clock wire(Figure 1, 12) and a data wire(Figure 1, 13), a method for the master component communicating over the data wire while enabling recovery of synchronization between the master component and the one or more slave components, the

method comprising the following: determining that an operation is to be performed on a slave component of the one or more slave components(Column 4, Lines 60-61); monitoring the data wire of the two-wire interface upon determining that the operation is to be performed on the slave component; detecting at least the predetermined number of consecutive bits of the same binary polarity have occurred on the data wire during the act of monitoring the data wire(Column 4, Lines 62-67); and asserting a frame of a two-wire interface on the data wire in response to the act of detecting that the predetermined number of consecutive bits of the same polarity have occurred on the data wire(Figure 4; Column 5, Line 7).

6. Regarding claim 2, Creedon discloses a method, wherein the two-wire interface is a guaranteed header two-wire interface(Figure 4).
7. Regarding claim 3, Creedon discloses a method, wherein the two-wire interface is not a guaranteed header two-wire interface(Column 4, Line 67-Column 5, Line 6).
8. Regarding claim 4, Creedon discloses a method, wherein the act of detecting at least the predetermined number of consecutive bits comprises the following: detecting at least the predetermined number of consecutive bits of a logical one(Column 4, Lines 62-67).
9. Regarding claim 5, Creedon discloses a method, wherein the data wire is pulled high when no components are asserting binary values on the data wire(Column 4, Lines 43-44).
10. Regarding claim 8, Creedon discloses a method, further comprising the following: the master component asserting a clock signal on the clock wire during at least some of the act of monitoring the data wire(Column 4, Lines 62-67).
11. Regarding claim 9, Creedon discloses a method, further comprising the following: the master component asserting a voltage level on the data wire during only a portion of the act of monitoring(Column 4, Lines 62-67).

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12. Regarding claim 10, Creedon discloses a method, wherein the data wire is pulled high when no components are asserting binary values on the data wire(Column 4, Lines 43-44).

13. Regarding claim 12, Creedon discloses a method, further comprising the following: the master component refraining from asserting a voltage level on the data wire during the act of monitoring(Column 4, Lines 62-67).

14. Regarding claim 13, Creedon discloses a method, wherein the data wire is pulled high when no components are asserting binary values on the data wire(Column 4, Lines 62-67).

15. Regarding claim 23, Creedon discloses a system comprising the following: a master component(Figure 1, 10); a slave component(Figure 1, 11); a clock wire(Figure 1, 14) interconnected between the master component and the slave component; a data wire(Figure 1, 13) interconnected between the master component and the slave component, wherein the master component is configured to perform the following: determining that an operation is to be performed on the slave component(Column 4, Lines 60-61); monitoring the data wire of the two-wire interface upon determining that the operation is to be performed on the slave component; detecting at least the predetermined number of consecutive bits of the same binary polarity have occurred on the data wire during the act of monitoring the data wire(Column 4, Lines 62-67); and asserting a frame of a two-wire interface on the data wire in response to the act of detecting that the predetermined number of consecutive bits of the same polarity have occurred on the data wire(Figure 4; Column 5, Line 7).

16. Regarding claim 24, Creedon discloses a system, wherein the two-wire interface is a guaranteed header two-wire interface(Figure 4).

17. Regarding claim 25, Creedon discloses a system, wherein the two-wire interface is not a guaranteed header two-wire interface(Column 4, Line 67-Column 5, Line 6).

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18. Regarding claim 26, Creedon discloses a system, wherein the data wire is pulled high when no components are asserting binary values on the data wire(Column 4, Lines 43-44).

19. Regarding claim 28, Creedon discloses a master component that is configured to do the following when coupled to a slave component via a clock wire and a data wire: determining that an operation is to be performed on the slave component; monitoring the data wire of the two-wire interface upon determining that the operation is to be performed on the slave component(Column 4, Lines 60-61); detecting at least the predetermined number of consecutive bits of the same binary polarity have occurred on the data wire during the act of monitoring the data wire(Column 4, Lines 62-67); and asserting a frame of a two-wire interface on the data wire in response to the act of detecting that the predetermined number of consecutive bits of the same polarity have occurred on the data wire(Figure 4; Column 5, Line 7).

20. Regarding claim 29, Creedon discloses a master component, wherein the two-wire interface is a guaranteed header two-wire interface(Figure 4).

21. Regarding claim 30, Creedon discloses a master component, wherein the two-wire interface is not a guaranteed header two-wire interface(Column 4, Line 67-Column 5, Line 6).

### ***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 6, 7, 11, 14-22 and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creedon, in view of what is well known in the art.

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24. Regarding claims 6 and 27, Creedon does not specifically disclose a system and method, wherein detecting at least the predetermined number of consecutive bits of a logical zero. However, official notice is being taken that pull-down resistors are well known in the art and easily replace pull up resistors when a default zero logic is desired instead of logic one(see Whitney et al.(US2003/0025587)(Paragraph 69)). It would have been obvious to one of ordinary skill in the art to replace the pull-up resistor with a pull-down resistor so the master can detect logical zeros as the preamble.

25. Regarding claim 7, a pull down resistor, as explained above, would pull the data wire low if no components are asserting binary values(see Whitney et al.(US2003/0025587)(Paragraph 69)).

26. Regarding claims 11 and 14, Creedon does not specifically disclose a method, wherein the data wire is pulled low when no components are asserting binary values on the data wire. However, official notice is being taken that pull-down resistors are well known in the art and easily replace pull up resistors when a default zero logic is desired instead of logic one(see Whitney et al.(US2003/0025587)(Paragraph 69)). It would have been obvious to one of ordinary skill in the art to replace the pull-up resistor with a pull-down resistor so that the data wire is pulled low when no components are asserting binary values on the data wire.

27. Regarding claims 15-18 Creedon discloses an MDIO interface but does not specifically disclose a method, wherein, determining that a read or write operation is to be performed with an extended or shorter address as compared to other frames communicated over the data wire. However, official notice is being taken components having different size addresses in the MDIO interface is well known in the art(see IEEE 802.3 standard, Section 45.1 Overview). It would have been obvious to one of ordinary skill in the art to determine a read or write operation is to be performed with an extended or shorter address as compared to other frames since this give

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the ability to access more device register while retaining logical compatibility with the MDIO interface defined in Clause 22 of the IEEE 802.3 standard.

28. Regarding claims 19 and 20, Creedon does not specifically disclose a method, wherein determining that a read or write operation is to be performed with cyclic redundancy checking over the data wire. However, official notice is being taken CRC checking is well known in the art(see CRC definition submitted with this office action). It would have been obvious to one of ordinary skill in the art to use CRC checking to ensure there are no errors during transmission.

29. Regarding claims 21 and 22, Creedon does not specifically disclose a method, wherein determining that a read or write operation is to be performed with acknowledgements over the data wire. However, official notice is being taken acknowledgements are well known in the art(see ACK definition submitted with this office action). It would have been obvious to one of ordinary skill in the art to use acknowledgements since this would ensure the master and slave receiving data properly.

30. Regarding claims 31-39, Creedon does not specifically disclose a master component, wherein the master component is implemented in a laser transmitter/receiver and the various types of laser transmitter/receivers. However, official notice is being taken, that it is well known in the art to use various types of laser transmitter/receivers(see Nelson et al.(US2005/0111845)(Paragraph 78). It would have been obvious to use any types of laser transmitter/receivers to increase compatibility and realize various data rates applicable to each specific situation or environment.

31. Regarding claim 40, Creedon does not specifically disclose a master component in accordance with Claim 1, further comprising the following: interspersing a bit at a guaranteed minimum frequency among data transmitted on the data wire, wherein the interspersed bit is of a polarity opposite that of the detected predetermined number of consecutive bits. However,

official notice is being taken that this is well known in the art as zero-bit insertion. As evidence, a definition of bit stuffing is being supplied. Bit stuffing is used to prevent data being interpreted as control information. It would have been obvious to one of ordinary skill in the art to use zero stuffing since this will prevent consecutive bits of data being confused with the preamble of consecutive bits.

### ***Response to Arguments***

32. Applicant's arguments filed April 25, 2008 have been fully considered but they are not persuasive.

33. In response to Applicant's argument that the specification does support interspersing bits at a minimum frequency, Examiner respectfully disagrees. Applicant's cited portions of the specification discloses interspersed bits but does not specifically disclose this being done at a minimum frequency.

34. Applicant argues that the examiner's interpretation of the master entity 10 of Creedon seems to imply that the master 10 monitors and detects its own preamble and this arrangement is not described anywhere. However, Examiner notes the section referred to by Applicant(Creedon, Column 4, Lines 58-62) does not state the preamble is generated by master entity 10. It simply states the management frame has a preamble. Furthermore, Creedon discloses that the master entity determines the voltage level of line 13(Column 4, Lines 14-18). Line 13 is connected to a pull up resistor which causes the default logic of Line 13 to be a logic one(Column 4, Lines 43-44). Creedon then states the preamble phase consists of 32 consecutive logic ones(Column 4, Lines 62-64). Examiner notes that since the default logic is one, the management entity is not sending any information as argued by Applicant. Therefore, Creedon discloses the act of monitoring for at least a predetermined number of consecutive bits

of the same binary polarity(i.e. Logic one, which is the default logic caused by the pull up resistor).

35. Examiner also notes that the applicant's specification states "if the master component 110 is not asserting anything on the data wire 132 during the preamble phase, then the data wire should carry a logical one" and "alternatively, even if the master component 110 is asserting a logical one on the data wire during at least some of the preamble, then the data wire 1232 should still be carrying the logical one during the preamble phase," which is used by applicant's method to monitor and detect consecutive bits(Paragraphs 42-43). This is the same as the Creedon's method for monitoring and detecting the consecutive bits.

36. Applicant further argues that Creedon does not sending a start frame in response to detecting consecutive bits. However, Creedon has a preamble phase of 32 consecutive bits followed by the start frame(Column 4, Lines 62-64 and Column 5, Line 7). It is implicit that the start frame is in response to detecting consecutive bits since the frame format requires a preamble of 32 consecutive bits. Again, if the required consecutive ones are not observed, then the preamble phase has not been satisfied. Therefore, start frame is only send after the required consecutive ones are detected.

37. In response to Applicant's challenge of Examiner's official notice, a definition of bit stuffing is being supplied as evidence. Bit stuffing is used to prevent data being interpreted as control information. It would have been obvious to one of ordinary skill in the art to use zero stuffing since this will prevent consecutive bits of data being confused with the preamble of consecutive bits.

***Conclusion***

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIMESH G. PATEL whose telephone number is (571)272-3640. The examiner can normally be reached on M-F, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinehart H. Mark can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nimesh G Patel/  
Examiner, Art Unit 2111

/Paul R. Myers/  
Primary Examiner, Art Unit 2111